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Plaintiff in Pro Per
Kevin R. McLean

In The United States District Court
In and For the Northern Court of California
[San Francisco]

KEVIN R. McLEAN,

Plaintiff,

v.

WORLD SAVINGS FSB; INTEGRITY
INVESTMENT GROUP, LLC;
GOLDEN WEST SAVINGS
ASSOCIATION SERVICE CO; SUSAN
FEDERIGHI; BILL FORD; JEFFERY
FORD; CALIFORNIA FRANCHISE
TAX BOARD; WILLIAM L. VEEN,

Defendants.

Case No.: C 07-05594 JSW

OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS

NOW COMES PLAINTIFF, KEVIN R. McLEAN, ("McLean") and submits
the following opposition to Defendants' Motions to Dismiss.

INTRODUCTION

The factual allegations in Plaintiff's Complaint must be taken as true for
purposes of evaluating Defendants' Motions to Dismiss. The complaint when
viewed in its entirety, including exhibits, states valid causes of actions.

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1 Plaintiff's complaint alleges that Defendants' held an alleged Trustee Sale of
2 Plaintiff's real property without notice, in violation of Plaintiff's constitutional
3 rights to due process. The complaint further alleges the conduct of Defendants
4 holding an unauthorized Trustee Sale violated the automatic stay provisions of
5 Federal Bankruptcy law as well as the due process rights of lien-holders who were
6 also not given notice of any sale. These allegations must be taken as true for
7 purposes of this motion.

8 **ARGUMENT**

9 Plaintiff's Complaint properly alleges Federal Question jurisdiction and venue,
10 which allows this action to go forward. Nothing in Defendants' motions is
11 adequate to overcome the presumption of Plaintiff's factual allegations coupled
12 with the Federal Claims that were violated by Defendants' conduct.

13 This Court can gain further guidance by reviewing the case of In re Acosta, a
14 case from United States Bankruptcy Court in Arizona, 181 B.R. 477. The Federal
15 Court held that under facts completely on point with the facts alleged in Plaintiff's
16 complaint, the Bank Defendants had a duty to provide Plaintiff and all lien holders
17 of record with **Actual Notice** of any rescheduled Trustee sale after dismissal of
18 Plaintiff's Bankruptcy Petition. The automatic stay attaching to Plaintiff's
19 Bankruptcy filing stops Defendants' from continuing any sale.

20 In any event, assuming arguendo that Plaintiff's Complaint needs amendment in
21 light of any issues raised in Defendant's motions, this Court should allow Plaintiff
22 the opportunity to amend his pleadings. Therefore dismissal of this Case is not
23 warranted under all the facts and circumstances stated herein.

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CONCLUSION

Plaintiff's Complaint contains sufficient factual allegations to defeat Defendants' Motions to Dismiss. This Court should order Defendants' to answer the Complaint within thirty (30) days.

Dated: February 21, 2008

Respectfully Submitted

/S/ KEVIN R. M^CLEAN
KEVIN R. M^CLEAN